

CHAIRMAN LYNN M. BRAGG
EXPLANATORY STATEMENT OF VIEWS ON ADEQUACY
STAINLESS STEEL PLATE FROM SWEDEN, INV. NO. AA1921-114 (REVIEW)
NOVEMBER 5, 1998

Upon careful consideration of the various interested party responses to the Federal Register notice instituting this review investigation, I find that both domestic and foreign/importer interested parties have provided adequate responses. Accordingly, I determine that a full review investigation is warranted.

GENERAL VIEWS ON ADEQUACY

I note that there are no definitive quantitative or qualitative prerequisites for determining whether individual or group responses are adequate. Indeed, what is adequate in one review investigation may not be adequate in another. Similarly, one Commissioner's adequacy may be another's basis for determining that an expedited review investigation is appropriate. Individual Commissioners may find certain information more indicative of a party's or group's willingness to participate in a review (see 19 U.S.C. § 1675(c)(2)(A)) than other information.

SPECIFIC ADEQUACY ISSUES IN THIS REVIEW INVESTIGATION

In this review investigation, one foreign producer, Avesta Sheffield AB, and its related U.S. producer and importer, Avesta Sheffield NAD, Inc., indirectly assert that the group domestic response is inadequate, though Avesta does not request that the review be expedited.

Avesta asserts that there are two irregularities or problems with the domestic group responses. First, counsel representing five domestic producers indicating a willingness to participate nonetheless submitted data from seven producers -- i.e., two who did not indicate a willingness to participate. Relatedly, second, the data submitted by counsel is aggregate data for all seven producers. Consequently, it is not possible for a Commissioner to determine domestic industry adequacy without also assessing data from producers which have not indicated a willingness to participate.

I am sympathetic to the adequacy issues raised by Avesta. Submission of aggregated data, particularly when it includes data from producers who have not indicated a willingness to participate in the review, could very well be an attempt to "dress up" an otherwise inadequate group response.

However, I do not believe that this is the intent here.

As a point of fact, the seven domestic producers at issue were responsible for virtually all domestic production of stainless steel plate ("SSP") in 1997, except for that produced by Avesta's U.S. affiliate.

While it is hypothetically possible that the two producers who did not indicate a willingness to participate accounted for a substantial portion of that produced by the seven, Avesta's own submission suggests otherwise. Indeed, in its initial response to the notice of institution, Avesta listed six companies as "significant" producers of SSP: four of the six indicated a willingness to participate in the review; another is one of the two which did not indicate a willingness to participate but for whom data were nonetheless provided; and the sixth company is Avesta's U.S. affiliate. In effect, Avesta itself has demonstrated that the five domestic producers who indicated a willingness to participate account for the lion's share of U.S. production, excluding that produced by Avesta's U.S. affiliate.

Accordingly, I find that the group domestic industry response adequately evinces the industry's willingness to participate in this review. However, I counsel future parties to submit data which can otherwise be disaggregated on the basis of individual producer's or importer's statements of willingness to participate in the review.